THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19321 of 2006

Dated: 20-09-2006

Between:

Rachamalla Rama Krishna Reddy.

..... PETITIONER

AND

The Sub-Registrar, Kadapa, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.19321 of 2006

ORDER:

It is stated that the mother of the petitioner was the owner of land admeasuring Ac.0.21 cents situated at Chinna Chowk Village, Kadapa town and District, having purchased the same from one Fathima Bee, W/o Hussain Sahed in 1984. After death of his mother, he and his brothers inherited the property and that his brothers gifted the said property in his favour and they presented gift settlement deed to that effect for registration before respondent No.1 and paid necessary charges as directed by respondent No.1. However, respondent No.1 kept the document pending and when enquired the petitioner was informed that the document cannot be registered as the subject land was classified as Government land. Hence the present writ petition.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A. Gopal Reddy in W.P.No.15199 of 2004 dated 01-09-2004.

Following the above, this writ petition is disposed of directing the respondent No.2 or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(**V.V.S.RAO, J**)

20th September, 2006

ghn